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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

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LOK SABHA

The following Bills were introduced in Lok Sabha on the 9th July, 1971:—

BILL No. 76 OF 1971

A Bill to provide for the constitution of a permanent Boundary Commission to resolve inter-State boundary disputes between States and States and between Union territories and States.

BE it enacted by Parliament in the Twenty-second Year of the Republic of India as follows:—

1. (*1*) This Act may be called the Boundary Commission Act, 1971. Short title and commencement.

(*2*) It shall come into force at once.

2. The President shall appoint a Boundary Commission headed by a Judge of the Supreme Court and consisting of two other members who shall not be holding office under the Union or the State Government. Appointment and Composition of the Commission.

Criteria for resolving boundary disputes.

3. The Commission shall resolve every boundary dispute on the basis of the following criteria:—

(*1*) a village shall be the basic unit;

(*2*) simple linguistic majority, failing which relative linguistic majority, shall be the determining factor;

(*3*) geographical contiguity shall also be kept in view while applying the criteria at (*1*) and (*2*) above.

Findings of the Commission.

4. The findings of the Commission shall be binding on all the parties to a dispute.

STATEMENT OF OBJECTS AND REASONS

There is a grave threat to the nation's unity from increasing bitterness arising out of boundary disputes between States. These disputes must and can be resolved expeditiously in the interest of the nation's unity and strengthening our people's faith in the democratic processes. Such disputes have defied solution mainly because of the absence of well-laid and universally applicable principles.

The Bill seeks to provide these.

MADHU DANDAVATE.

NEW DELHI;
The 26th May, 1971.

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for the appointment of a Boundary Commission consisting of a Judge of the Supreme Court and two other members. Expenditure on this account is estimated to be roughly about 40 lacs of rupees per annum recurring by way of salary and allowances of the Chairman and members and staff of the Commission.

A non-recurring expenditure of about 10,000 rupees have to be incurred for furniture and office equipment of the Commission.

BILL NO. 81 OF 1971

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Twenty-second Year of the Republic of India as follows:—

1. (*1*) This Act may be called the Constitution (Amendment) Act, 1971. Short title and commencement.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In article 19 of the Constitution, in clause (*1*), after sub-clause (*g*), the following new sub-clause shall be inserted, namely:— Amendment of article 19.

"(*h*) to vote, in case that person has attained the age of eighteen years, but subject to restrictions contained in article 326."

3. In article 326 of the Constitution, for the word "twenty-one", the word "eighteen" shall be substituted. Amendment of article 326.

STATEMENT OF OBJECTS AND REASONS

Under the existing article 326 of the Constitution, a citizen on attaining the age of twenty-one years is entitled to exercise his franchise, whereas, in a court of law and for the purposes of revenue and financial matters, a citizen who has attained the age of eighteen years is deemed to be a major. In view of the principle of equality before law and also in view of the fact that eighteen years age has been recognised as the age when one is deemed to be an adult, it is not proper to deprive such adults of their right to vote. The Bill, therefore, seeks to entitle all such persons who have attained the age of eighteen years to the right to vote.

NEW DELHI;
The 3rd June, 1971.

LAXMINARAIN PANDEY.

FINANCIAL MEMORANDUM

The new provision in regard to the right to vote will result in some increase in expenditure from the Consolidated Fund of India on account of printing of electoral rolls which is estimated to be about Rs. 5 lakhs annually. No non-recurring expenditure is involved.

BILL No. 82 OF 1971

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Twenty-second Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Constitution (Amendment) Act, 1971.

(*2*) It shall come into force—

(*i*) in the Union territories within a period of six months from the date on which it receives the assent of the President; and

(*ii*) in the States on such dates as the respective State Governments may, by notification in their Official Gazettes, appoint.

Insertion of new articles 23A, 23B and 23C.

2. After article 23 of the Constitution, the following new articles shall be inserted, namely:—

Right to employment.

"23A. (*1*) All citizens shall have the right to work and shall be entitled to adequate means of livelihood.

(2) Failing to procure such means as referred to in clause (1), every citizen shall be entitled to an unemployment allowance to be paid by the State.

Right to free and compulsory education.

23B. (1) All children until they complete the age of fourteen years shall have the right to free education.

(2) Education shall be compulsory for all children until they have completed the age of fourteen years.

Monetary assistance to old, sick and disabled.

23C. The State shall provide monetary assistance to every citizen who has completed the age of sixty years, or remains chronically sick, or is permanently incapacitated or disabled and has nothing to fall back upon and is unable to fend for himself."

STATEMENT OF OBJECTS AND REASONS

Article 39 of the Constitution states among other things "The State shall, in particular, direct its policy towards securing—

(*a*) that the citizens, men and women equally, have the right to an adequate means of livelihood".

Article 41 of the Constitution enjoins upon the State to make effective provision for securing the right to work, to education and to public assistance in case of unemployment, old age, sickness and disablement. Similarly article 45 of the Constitution enjoins upon the State to provide for free and compulsory education for all children upto the age of 14 years.

But these rights are only in the nature of Directive Principles of State Policy. They are not justiciable and there is no legal sanction behind them. The focal point of the State activity, in the economic sphere, ought to have been the achievement of these objectives. Whereas enough lip sympathy has been showered on those condemned to remain unemployed, the measures taken to combat unemployment have proved far from effective. Unemployment has become everyones birth right in Swaraj. Nothing can shake our people's faith in the democratic system than the nation's failure to provide employment to all able-bodied citizens. Failing this, the minimum the State should do is to provide for unemployment insurance.

The State cannot, in fairness and good conscience, by its neglect, inaction or omission allow the dilution or diminution of the Directive Principles which it has been directed to preserve and forbidden to infringe.

The Bill seeks to give legal effect to what is contained in articles 41 and 45 and make those rights justiciable and Fundamental Rights. Unless these rights are clothed with legal sanction, they will remain nugatory and of no significance as hitherto they have been.

NEW DELHI;
The 4th June, 1971.

MADHU DANDAVATE

FINANCIAL MEMORANDUM

The Bill provides for the payment of monetary assistance in case of old age, unemployment, sickness and disablement and also for the free and compulsory education to children up to the age of 14 years. There are more than 7 million unemployed persons in the country. They should get a minimum subsistance allowance of five rupees per day. The same should be for the aged, sick and the disabled citizens. It is not possible to give exact estimate of the amount of recurring expenditure but a sum of not exceeding 10 million rupees annually is likely to be spent from the Consolidated Fund of India in respect of the Union territories. The share of the Union Government in respect of States will be half and the rest being borne by the Public Sector, the Private Sector and local-self Government bodies.

There will be no non-recurring expenditure.

BILL NO. 85 OF 1971

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Twenty-second Year of the Republic of India as follows:—

Short title

1. This Act may be called the Constitution (Amendment) Act, 1971.

Amendment of article 368.

2. In article 368 of the Constitution, after the existing proviso, the following further proviso shall be added, namely:—

"Provided further that if such amendment seeks to make any change in Part III of the Constitution, the amendment shall also require to be ratified by the people through a referendum to be held on the basis of adult suffrage by a simple majority of the votes cast in such referendum."

STATEMENT OF OBJECTS AND REASONS

After the judgment of the Supreme Court in Golaknath case it has been made clear that Parliament cannot amend Part III of the Constitution so as to take away or abridge the Fundamental Rights enshrined therein. In the present context of social and economic changes being brought about in the country for establishing a social order in which justice, social, economic and political shall inform all the institutions of national life, it has become necessary that Parliament should have power to amend that Part of the Constitution if it is found that all or any of the Fundamental Rights prove obstructive in the implementation of the Directive Principles of State Policy as contained in Chapter IV of the Constitution. In order to vest the Parliament with such a power an amendment to article 368 as proposed in this Bill is necessary.

ATAL BIHARI VAJPAYEE.

NEW DELHI;
The 6th June, 1971.

BILL No. 86 OF 1971

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Twenty-second Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Amendment) Act, 1971.

Substitution of article 370.

2. For article 370 of the Constitution. the following article shall be and shall be deemed always to have been, substituted, namely:—

"370. (*1*) Notwithstanding anything in this Constitution the power of Parliament to make laws for the State of Jammu and Kashmir shall be limited to—

(*i*) the matters in the Union List; and

(*ii*) such other matters in the Concurrent and State Lists as, with the concurrence of the Government of the State, the President may by order specify.

Explanation.—For the purposes of this article, the Government of the State means the Governor of Jammu and Kashmir acting on the advice of the Council of Ministers of the State for the time being in office.

(2) This article shall cease to be operative from the 26th January, 1972.".

STATEMENT OF OBJECTS AND REASONS

The special status of the State of Jammu and Kashmir being maintained even after more than 20 years of the commencement of the Constitution is an anachronism which must be discarded now. The general legislative competence of Parliament should not be dependent on the sweet-will of the State so far as matters included in the Union List are concerned. The present article 370 impinges on the sovereignity of Parliament. It is, therefore, necessary that the power of Parliament to legislate on matters included in the Union List must be restored immediately. In any case the special position enjoyed by the State of Jammu and Kashmir must be ended by the 26th January, 1972.

Hence this Bill.

ATAL BIHARI VAJPAYEE.

NEW DELHI;
The 6th June, 1971.

BILL No. 88 OF 1971

A Bill to provide for the possession of fire-arms and ammunition by certain category of citizens and to repeal the Arms Act, 1959.

BE it enacted by Parliament in the Twenty-second Year of the Republic of India as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Possession of Fire-arms and Ammunition Act, 1971.

(*2*) It extends to the whole of India.

(*3*) It shall come into force at once.

Definitions and interpretation.

2. In this Act unless the context otherwise requires,—

(*a*) "ammunition" means ammunition for any fire-arms;

(*b*) "fire-arms" means arms of any description designed or adapted to discharge a projectile of any kind by the action of any explosive or other forms of energy.

Eligibility to possess fire-arm and ammunition.

3. Every citizen of India, who is of sound mind and above eighteen years of age, may acquire or have in his possession or carry any fire-arm or ammunition.

Repeal of Act 54 of 1959.

4. The Arms Act, 1959 is hereby repealed.

STATEMENT OF OBJECTS AND REASONS

Article 19(1) (F) of the Constitution gives every citizen a fundamental right to acquire, hold and dispose of property. Any arms or ammunition is a movable property and as such a person has Constitutional right to acquire, hold or dispose of that property. But unreasonable restrictions have been imposed by the Arms Act, 1959. One may conceive the idea of having restrictions on arms and ammunition required for the defence of the Nation such as arms and ammunition used by military, Air and Naval forces, but restriction on fire-arms such as 12 bore gun, revolver, pistol, etc. is wholly unjustified and perverse.

After the Indian War of Independence of 1857, the British rulers, being horrified by the arms might of the common man of India, deprived the whole nation of arms. They unarmed the people by putting a ban on their possessing and carrying the arms. By disarming the entire nation they wanted to make it impossible for another war of independence against the British rule. The Indian Arms Act, 1878 was inspired by the spirit of fear and distrust and as such it denied the right of self-defence to every citizen. Apparently, they argued that if people were permitted an unhindered use of arms, the horrible spectacle of organised crimes could break out all over the country. Mahatma Gandhi has said about the Act as "Among the many misdeeds of the British rule in India, history will look upon the Act, depriving the whole nation of Arms, as the blackest". The Government of India sought to liberalise the licensing provisions in order to reduce the inconvenience of the public to the minimum while enacting the Arms Act, 1959. But the Act of 1959 failed in its mission. District Magistrates issue licences very rarely and refuse to issue them on the grounds of the maintenance of law and order and of public security. This enactment is analogous to the Act of 1878.

Several other independent countries do not have such enactments. It is against the Constitution as it denies the opportunity of the self-defence to the public at large.

This Bill seeks to abolish the acquisition of licence for possession of arms and ammunition of permissible bore, *i.e.*, the bore not prohibited for general use.

NEW DELHI;
The 9th June, 1971.

R. R. SHARMA.

S. L. SHAKDHER,
Secretary.

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